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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
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BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

APR 13 2011

John O'Donnell, Deputy Director
The Commonwealth of Massachusetts
Division of Capital Asset Management
One Ashburton Place, 15th Floor
Boston, Massachusetts 02108

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c) and § 761.79(h)
Salem State University Library

Dear Mr. O'Donnell:

This is in response to your Notification[1] for approval of a proposed PCB cleanup and disposal plan at the Salem State University Library located at 360 Lafayette Street, Salem, Massachusetts. The Library contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in window and door caulk, in window glazing and in building substrates. A new library and new science center will be constructed within the Library footprint and thus demolition of the current structure is necessary.

To facilitate demolition of the Library structure, the Division of Capital Asset Management (DCAM) is proposing to undertake a pre-demolition cost removal alternative study program (Program) to assess the feasibility of various demolition techniques for masonry infill panels. This Program will be limited to the western section of the Library (i.e. the Phase I area). In addition, DCAM will be addressing other PCB-contaminated materials located within the Phase I and Phase II areas.

In its Notification, DCAM is proposing the following PCB abatement activities:

- Remove PCB caulk and associated backer rods with greater than or equal to (≥) 50 parts per million (ppm) located within the Phase I area;

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[1] Information was submitted to satisfy the notification requirement under 40 CFR §761.61(a)(3) and (c). Information was provided dated February 11, 2011 and revised April 4, 2011 (SIP); March 14, 2011 (email project schedule); March 25, 2011 (response to comments); April 7, 2011 (email revision to Notification); and April 8, 2011 (email contractor work plan revision). These submittals, together, will be referred to as the "Notification."

- Remove PCB caulk with ≥50 ppm located around door frames, window frames and concrete masonry units (CMU) to structure concrete joints located within the Phase II area;

- Encapsulate and/or paint brick and/or CMU located within 12 inches of the caulk joint to distinguish it from the brick and/or CMU located greater than 12 inches from the caulk;

- Remove approximately 60 interior and 40 exterior windows and frames which will be stored at the Site and addressed under a separate work plan;

- Remove and decontaminate approximately 225 interior door frames to a PCB cleanup standard of less than or equal to (≤) 10 µg/100 cm^2; and,

- Remove 27 exterior masonry in-fill panels and 18 interior wall sections using three alternative demolition approaches with the following disposal:

    - *Porous surfaces* (i.e. brick and CMU) located within 12 inches of a caulk joint as a ≥50 ppm *PCB remediation waste* in accordance with § 761.61(a)(5)(i)(B)(*iii*) at a RCRA hazardous waste landfill or TSCA-approved chemical waste landfill; and,

    - *Porous surfaces* located greater than 12 inches from a caulk joint as a less than (<) 50 ppm *PCB remediation waste* at a RCRA solid waste landfill.

With the exception of the proposed verification sampling frequency for *non-porous surfaces*, the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the verification sampling frequency, DCAM has proposed a 20% verification sampling frequency for decontaminated metal door frames. EPA is requiring a higher initial verification sampling frequency than proposed in the Notification since DCAM provided no data to support its proposed sampling frequency. If the initial verification sampling results demonstrate that the decontamination procedure is effective in meeting the decontamination standard of ≤10 µg/100 cm^2 PCBs for the metal door frames, EPA has determined that the alternative sampling frequency proposed by DCAM should be sufficient to confirm that the decontamination standard has been met for the remaining metal door frames. EPA may approve the alternative sampling under § 761.61(c).

DCAM may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Please note the following conditions in Attachment 1:

- Condition 1a. This condition requires submittal of the Program findings on the various demolition procedures.

- Condition 13c. This condition requires a higher initial verification sampling frequency for decontaminated metal door frames.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider the work authorized under this Approval to be complete until it has received all required submittals. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

James T. Owens III, Director
Office of Site Remediation & Restoration

cc MADEP – NERO
Andrew Soll, Salem State University
File

Attachment 1

ATTACHMENT 1: PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
SALEM STATE UNIVERSITY LIBRARY (the Site)
360 LAFAYETTE STREET
SALEM, MASSACHUSETTS

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Library and identified in the Notification.

    a. The Commonwealth of Massachusetts Division of Capital Asset Management (DCAM) shall submit a report detailing the findings of the pre-demolition cost removal alternative study program (Program). The Program must include photo documentation of the different removal alternatives. The findings under this Program shall be incorporated into DCAM's development of a comprehensive demolition plan to address the remaining *PCB bulk product waste* and *PCB remediation waste* located at the Site.

2. DCAM shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.

3. In the event that the cleanup and disposal plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.

4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.

5. DCAM must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, DCAM shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. DCAM is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time DCAM has or receives information indicating that DCAM or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by DCAM are authorized to conduct the activities set forth in the Notification. DCAM is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release DCAM from compliance with any applicable requirements of federal, state or local law; or 3) release DCAM from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from DCAM of its acceptance of the conditions of this Approval within 10 business days of receipt.

10. DCAM shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.

11. Prior to initiation of work authorized under this Approval, DCAM shall submit the following information for EPA review and/or approval:

    a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval and in the contractor work plan provided in the Notification; and,

    b. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. PCB-contaminated *non-porous surfaces* (i.e. metal door frames) shall be decontaminated and verification sampling and analysis shall be conducted as described below:

a. All visible residues of PCB caulk (i.e. *PCB bulk product waste*) shall be removed from the metal door frames as described in the Notification.

b. The decontamination standard for *non-porous surfaces* (i.e. metal door frames) shall be less than or equal to ($\leq$) 10 µg/100 cm^2 PCBs.

c. Sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. µg/100 cm^2).

i) For the initial cleanup/decontamination activities associated with the door frames, the minimum verification sampling frequency for decontaminated metal frames shall be 1 sample from each of the first 10 door frames.

ii) If all PCB sampling results from the first 10 door frames are $\leq$ 10 µg/100 cm^2, DCAM may use the alternative verification sampling procedure described in the Notification. Otherwise, DCAM shall continue to use the initial verification sampling frequency until it can demonstrate the effectiveness of its decontamination procedures.

(1) In the event **any** verification sample that is collected using the alternative sampling procedure exceeds the PCB cleanup standard, DCAM shall contact EPA for a determination on what modifications, if any, need to be made to the sampling frequency or to the decontamination procedures for the remainder of the project. Alternatively, DCAM shall continue to use the initial verification sampling frequency for the remainder of the project.

iii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.

iv) For decontaminated *non-porous surfaces* that have PCB concentrations exceeding the decontamination standard, DCAM may conduct additional decontamination to achieve the required decontamination standard or DCAM must store and dispose of these materials as TSCA-regulated waste in accordance with 40 CFR Part 761.

14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with CFR 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.

    a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).

    b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).

    c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60(a).

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. DCAM and Salem State University shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the DCAM or Salem State University to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. DCAM shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K and shall submit same to Salem State University. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by DCAM and Salem State University in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.

19. DCAM shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval and shall submit same to Salem State University. At a minimum, this final report shall include: a short narrative of the project activities; findings of the pre-demolition cost removal alternative study program, including photo documentation (see Condition 1); the characterization and verification sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

20. Required submittals shall be mailed to:

    Kimberly N. Tisa, PCB Coordinator
    United States Environmental Protection Agency
    5 Post Office Square, Suite 100 – (OSRR07-2)
    Boston, Massachusetts 02109-3912
    Telephone: (617) 918-1527
    Facsimile: (617) 918-0527

21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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END OF ATTACHMENT 1